

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney

3 MIRANDA KANE (CABN 150630)  
4 Chief, Criminal Division

5 BRADLEY D. PRICE (ILBN 6294571)  
6 Special Assistant United States Attorney

7 150 Almaden Boulevard  
8 San Jose, California 95113  
9 Telephone: (408) 535-5080  
10 Facsimile: (408) 535-5066  
11 Email: bradley.price@usdoj.gov

12 Attorneys for the United States of America

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA, ) No. CR 10-00729 EJD  
18 Plaintiff, ) STIPULATION AND [PROPOSED]  
19 v. ) ORDER CONTINUING HEARING AND  
STEVEN LEE VARGEM, ) EXCLUDING TIME FROM July 18, 2011  
Defendant. ) through September 19, 2011

20  
21 The Parties, Steven Lee Vargem and the United States, acting through respective counsel,  
22 hereby stipulate, subject to the Court's approval, that the hearing currently set for July 18, 2011  
23 be continued to September 19, 2011 at 1:30 p.m. The defense and the government are jointly  
24 requesting this continuance due to unavailability of government counsel, as well as the need for  
25 additional time for settlement negotiations and effective defense preparation, as the government  
26 anticipates providing additional discovery to the defense.

27 The parties stipulate that the time between July 18, 2011 and September 19, 2011 is  
28 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the

1 requested continuance would unreasonably deny the Government continuity of counsel, and  
2 would unreasonably deny defense counsel reasonable time necessary for effective preparation,  
3 taking into account the exercise of due diligence. Finally, the parties agree that the ends of  
4 justice served by granting the requested continuance outweigh the best interest of the public, and  
5 the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§  
6 3161(h)(7)(A) and (B)(iv).

7

8 Respectfully submitted,

9 DATED: July 14, 2011

10 MELINDA HAAG  
United States Attorney

11 /s/  
12 BRADLEY D. PRICE  
13 Special Assistant United States Attorney

14 /s/  
15 DONALD E. J. KILMER  
16 Attorney for Defendant

~~PROPOSED~~ ORDER

Pursuant to agreement and stipulation of the parties and for good cause shown, the Court  
HEREBY ORDERS that the hearing in this matter scheduled for July 18, 2011 is hereby  
continued to September 19, 2011 at 1:30 p.m. The Court FURTHER ORDERS that the time  
between July 18, 2011 and September 19, 2011 is excluded under the Speedy Trial Act, 18  
U.S.C. §3161. The court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the  
failure to grant the requested continuance would unreasonably deny the Government continuity  
of counsel, and would unreasonably deny defense counsel reasonable time necessary for effective  
preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that  
the ends of justice served by granting the requested continuance outweigh the best interest of the  
public and the defendant in a speedy trial. The court therefore concludes that this exclusion of  
time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: July 15, 2011

  
EDWARD J. DA VILA  
United States District Judge